

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:)	
)	
Mary Margaret Crooks)	Case No. 05-71032
Aka Mary Margaret Sherrill)	Chapter 7
Debtor)	

**MOTION FOR RELIEF FROM AUTOMATIC STAY BY RUSKIN GARDEN
APARTMENTS, CO.**

COMES NOW, Creditor Ruskin Garden Apartments, Co., the movant herein, (the “Movant”) by and through its attorney, Timothy J. Thompson, seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d), for the following reasons:

1. This Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §1334 and 157, Bankruptcy Rules 4001 and 9014, and 11 U.S.C. §§ 105(a) and 362.
2. On October 15, 2005, the debtor herein (the “Debtor”), filed a petition for relief under Chapter 13 of the Bankruptcy Code. On or about February 15, 2006 the bankruptcy was converted to a Chapter 7.
3. On or about September 7, 2004, the Movant entered into a Lease (“Lease”) with the Debtor. Under the Lease, the Movant leased to the Debtor the premises known as 11328 Blue Ridge Blvd. Apt 1, Kansas City, MO 64134, Jackson County Missouri (“Leased Premises”).
4. The Debtor is in possession of the Leased Premises, and continues to occupy premises as her residence.

5. The Debtor is in default of the Lease in that Debtor owes post petition rent in the amount of \$1,000.00 representing \$500.00 per month for the months of February and March, 2006 and has failed to cure said default or provide adequate protection to Movant.
6. That Debtor is in default of the Lease in that under the terms of the Lease agreement Debtor owes \$455.00 in post petition late fees and has failed to cure said default or provide adequate protection to Movant.
7. The total dollar amount necessary to cure the post petition debt as of March 16, 2006 is \$1,455.00. The current monthly payment is to be mailed to Ruskin Place Apartments 11418 Blue Ridge Blvd., Kansas City, MO 64134.
8. The Debtor's failure to pay all post petition rent with late fees in a timely manner and its continued occupancy of the Leased Premises has deprived and continues to deprive the Movant of income from and the use of its property. Therefore, the Movant's interests in the Leased Premises are not being adequately protected, and Movant is entitled to relief from the automatic stay, for cause.
9. The Debtor's failure to pay all post petition rent in a timely manner violates the Debtor's obligations to timely perform all obligations until the lease is assumed or rejected, as required by 11 U.S.C. § 365(d)(3). Accordingly, Movant is entitled to relief from the automatic stay, for cause.
10. That Debtor does not have an equity in said property.
11. That said property is not necessary to an effective reorganization.

WHEREFORE, the Movant respectfully requests that this Court enter an Order: (a) granting the Movant relief from the automatic stay pursuant to 11 U.S.C. § 362(d) so that it may immediately terminate the Lease, retake possession of the Leased Premises, and take any and all other action necessary to protect its interests in the Lease or the Leased Premises under the terms of the Lease, in accordance with applicable law; and (b) granting the Movant such other and further relief as is just, including adequate protection of its interest.

/s/ Timothy J. Thompson
Timothy J. Thompson #46115
7 North Water Street
Liberty MO 64068
816-792-5655
816-792-1941 Fax

CERTIFICATE OF SERVICE

I hereby certify a copy of the above Motion for Relief from Automatic Stay was filed electronically via ECF on this 17th day of March 2006, and a copy sent to:

Jason Amerine
818 Grand Blvd., Ste. 700
Kansas City, MO 64106
ATTORNEY FOR DEBTOR

Maureen Scully
PO Box 30233
Kansas City, MO 64112
TRUSEE

/s/ Timothy J. Thompson

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:)	
)	
Mary Margaret Crooks)	Case No. 05-71032
Aka Mary Margaret Sherrill)	Chapter 7
Debtor)	

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the MOTION FOR RELIEF FROM
AUTOMATIC STAY BY RUSKIN GARDEN APARTMENTS, CO. are available upon
request:

1. Lease agreement

Respectfully Submitted,

/s/ Timothy J. Thompson
Timothy J. Thompson #46115
7 North Water Street
Liberty, MO 64068
816-792-5655
816-792-1941 Fax

CERTIFICATE OF SERVICE

I hereby certify a copy of the above Summary of Exhibits was filed electronically via
ECF on this 17th day of March 2006, and a copy sent to:

Jason Amerine
818 Grand Blvd., Ste. 700
Kansas City, MO 64106
ATTORNEY FOR DEBTOR

Maureen Scully
PO Box 30233
Kansas City, MO 64112
TRUSEE

/s/ Timothy J. Thompson